



**State of New Hampshire**  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2457 FAX (603) 271-7894



Craig Boyer  
Fox Ridge Resort  
PO Box 990  
North Conway, New Hampshire 03860

LETTER OF DEFICIENCY  
WMB PBF 02-53  
August 29, 2002

Dear Mr. Boyer:

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Ws 1101-1105 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On August 14, 2002 and August 19, 2002, DES inspected the following public bathing facilities at the Fox Ridge Resort, in Conway, NH: the indoor pool ("Indoor Pool") and spa ("Spa") and the outdoor pool ("Outdoor Pool"). During these inspections the following deficiencies were noted:

A recommendation to close and super chlorinate the Outdoor Pool was issued on August 14, 2002. The inspection on August 14, 2002 revealed that the Outdoor Pool was in violation of Env-Ws 1103.14 and unsafe for public use. The following bacterial violations were observed in the Outdoor Pool water:

- (a) Pursuant to Env-Ws 1103.14(a)(1) the maximum allowable concentration of total coliform bacteria and *Escherichia coli* in public bathing facility water is zero counts per one hundred milliliters (0CTS/100mL). The Outdoor Pool water contained 24 CTS/100mL of total coliform bacteria.
  - (b) The maximum allowable concentration of non-coliform bacteria in public bathing facility water is two hundred counts per one hundred milliliters (200 CTS/100mL). The Outdoor Pool water contained greater than 200 CTS/100mL.
2. A recommendation to super chlorinate the Indoor Pool was issued on August 16, 2002. The inspection on August 16, 2002 revealed that the Indoor Pool was in violation of Env-Ws 1103.14 and unsafe for public use. The following bacterial violation was observed in the Indoor Pool water:
    - (a) The maximum allowable concentration of non-coliform bacteria in public bathing facility water is two hundred counts per one hundred milliliters (200 CTS/100mL). The Indoor Pool water contained greater than 200 CTS/100mL.
  3. Env-Ws 1103.15(c) requires a free residual chlorine concentration between 1.0 mg/L and 3.0 mg/L in public pool water. The free chlorine residual of the Outdoor Pool water was less than 0.1 mg/L on August 14, 2002.
  4. Pursuant to Env-Ws 1103.15(e), the clarity of the pool water shall be such that the main drain is clearly visible at all times. The main drain / bottom of the Indoor Pool was not visible on August 19, 2002.
  5. Env-Ws 1103.15(d) requires a pH between 7.0 and 7.8 in public pool water. The pH of the Outdoor Pool water was 6.4 on August 14, 2002.
  6. Env-Ws 1104.01 requires the operator to test public bathing facility water for disinfectant residual, pH, and temperature prior to use of a public bathing facility and every 4 hours during operation, to record test results on a dated daily log sheet, and to maintain operational records for the previous twelve months and make these records available to DES and patrons of the public bathing facility upon request. Water quality is only tested twice a day.
  7. Env-Ws 1105.01(j) requires a rope with attached floats a ("breakpoint safety line") to be placed across public pools over the break in depth between the shallow and deep portions of the pool. A breakpoint safety line was not present in the Outdoor Pool at the time of the inspections. A breakpoint safety line was not present in the Indoor Pool at the time of the inspections.

8. Pursuant to Env-Ws 1104.03(b), the operator shall be responsible for posting conspicuously displayed signs informing patrons of the DES rules relative to patron responsibilities (enclosed copy) and any other safety rules developed by the bathing facility management. Patron rules were not posted at the Outdoor Pool at the time of the inspections.
9. Env-Ws 1104.03(e)(1) states that the depth of water in feet shall be plainly and conspicuously marked at or above the water line on the vertical pool wall and on the top of the coping or edge of the deck or walk next to the pool. The depth of the Outdoor Pool was not marked on the Outdoor Pool deck.
10. Env-Ws 1105.01(k)(19) requires pool filtration systems to include a flow meter. The filtration system for the Outdoor Pool did not include a flow meter. The filtration system for the Indoor Pool did not include a functioning flow meter.  
  
Env-Ws 1105.03(d)(2) requires spa filtration systems to include a flow meter. The filtration system for the Spa did not include a functioning flow meter.
12. Env-Ws 1103.05 requires shower facilities to be provided at all public bathing facilities. There is no shower at the Outdoor Pool. There is no shower at the Indoor Pool.

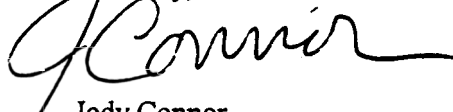
A report outlining how compliance will be achieved with the cited deficiencies should be submitted to DES within 30 calendar days from receipt of this letter. The report should include the following:

1. A copy of two weeks of water quality test results for all facilities (please do not send originals).
2. The type, manufacture, and model of the flow meters to be installed.
3. A timetable of when:
  - a. the safety items will be in place,
  - b. the depth will be marked,
  - c. patron rules will be posted, , and
  - d. the installation of the flow meter will be completed.

DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Ws 1101-1105. After a violation of Env-Ws 1103.14, the facility will be required to pass two inspections in the following months. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

We appreciate your cooperation in this matter. Please contact Amy Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Ws 1101-1105 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.state.nh.us/pools/env1100.pdf>.

Sincerely,



Jody Connor  
Limnology Center Director

enclosures

cc: Mark Harbaugh, Enforcement Attorney, DES ✓  
Amy Wilson, Public Bathing Facility Coordinator, DES  
Kenneth Kiesman, Health Officer, Town of Conway  
Lee Champagne, Fox Ridge Resort